

INFRASTRUCTURE FUNDING AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions relating to infrastructure funding.

Highlighted Provisions:

This bill:

- ▶ provides that certain sales and use tax revenue that was deposited in the Transportation Fund shall be deposited in the Water Infrastructure Restricted Account;
- ▶ provides that a certain amount of revenue shall annually be transferred from the Transportation Investment Fund of 2005 to the Transportation Fund; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 59-12-103**, as last amended by Laws of Utah 2015, Chapter 283
- 72-2-107**, as last amended by Laws of Utah 2010, Chapter 391
- 72-2-124**, as last amended by Laws of Utah 2015, Chapter 421
- 73-10g-103**, as enacted by Laws of Utah 2015, Chapter 458

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **59-12-103** is amended to read:

59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax revenues.

(1) A tax is imposed on the purchaser as provided in this part for amounts paid or charged for the following transactions:

- 33 (a) retail sales of tangible personal property made within the state;
- 34 (b) amounts paid for:
- 35 (i) telecommunications service, other than mobile telecommunications service, that
- 36 originates and terminates within the boundaries of this state;
- 37 (ii) mobile telecommunications service that originates and terminates within the
- 38 boundaries of one state only to the extent permitted by the Mobile Telecommunications
- 39 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
- 40 (iii) an ancillary service associated with a:
- 41 (A) telecommunications service described in Subsection (1)(b)(i); or
- 42 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 43 (c) sales of the following for commercial use:
- 44 (i) gas;
- 45 (ii) electricity;
- 46 (iii) heat;
- 47 (iv) coal;
- 48 (v) fuel oil; or
- 49 (vi) other fuels;
- 50 (d) sales of the following for residential use:
- 51 (i) gas;
- 52 (ii) electricity;
- 53 (iii) heat;
- 54 (iv) coal;
- 55 (v) fuel oil; or
- 56 (vi) other fuels;
- 57 (e) sales of prepared food;
- 58 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 59 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 60 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 61 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 62 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 63 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,

64 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
65 horseback rides, sports activities, or any other amusement, entertainment, recreation,
66 exhibition, cultural, or athletic activity;

67 (g) amounts paid or charged for services for repairs or renovations of tangible personal
68 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

69 (i) the tangible personal property; and

70 (ii) parts used in the repairs or renovations of the tangible personal property described
71 in Subsection (1)(g)(i), regardless of whether:

72 (A) any parts are actually used in the repairs or renovations of that tangible personal
73 property; or

74 (B) the particular parts used in the repairs or renovations of that tangible personal
75 property are exempt from a tax under this chapter;

76 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
77 assisted cleaning or washing of tangible personal property;

78 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
79 accommodations and services that are regularly rented for less than 30 consecutive days;

80 (j) amounts paid or charged for laundry or dry cleaning services;

81 (k) amounts paid or charged for leases or rentals of tangible personal property if within
82 this state the tangible personal property is:

83 (i) stored;

84 (ii) used; or

85 (iii) otherwise consumed;

86 (l) amounts paid or charged for tangible personal property if within this state the
87 tangible personal property is:

88 (i) stored;

89 (ii) used; or

90 (iii) consumed; and

91 (m) amounts paid or charged for a sale:

92 (i) (A) of a product transferred electronically; or

93 (B) of a repair or renovation of a product transferred electronically; and

94 (ii) regardless of whether the sale provides:

(A) a right of permanent use of the product; or

(B) a right to use the product that is less than a permanent use, including a right:

(I) for a definite or specified length of time; and

(II) that terminates upon the occurrence of a condition.

(2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax is imposed on a transaction described in Subsection (1) equal to the sum of:

(i) a state tax imposed on the transaction at a tax rate equal to the sum of:

(A) 4.70%; and

(B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and

(II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

(b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed on a transaction described in Subsection (1)(d) equal to the sum of:

(i) a state tax imposed on the transaction at a tax rate of 2%; and

(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

(c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed on amounts paid or charged for food and food ingredients equal to the sum of:

(i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of 1.75%; and

(ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the amounts paid or charged for food and food ingredients under this chapter other than this part.

(d) (i) For a bundled transaction that is attributable to food and food ingredients and tangible personal property other than food and food ingredients, a state tax and a local tax is

126 imposed on the entire bundled transaction equal to the sum of:

127 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

128 (I) the tax rate described in Subsection (2)(a)(i)(A); and

129 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State

130 Sales and Use Tax Act, if the location of the transaction as determined under Sections

131 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,

132 Additional State Sales and Use Tax Act; and

133 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State

134 Sales and Use Tax Act, if the location of the transaction as determined under Sections

135 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which

136 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

137 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates

138 described in Subsection (2)(a)(ii).

139 (ii) If an optional computer software maintenance contract is a bundled transaction that

140 consists of taxable and nontaxable products that are not separately itemized on an invoice or

141 similar billing document, the purchase of the optional computer software maintenance contract

142 is 40% taxable under this chapter and 60% nontaxable under this chapter.

143 (iii) Subject to Subsection (2)(d)(iv), for a bundled transaction other than a bundled

144 transaction described in Subsection (2)(d)(i) or (ii):

145 (A) if the sales price of the bundled transaction is attributable to tangible personal

146 property, a product, or a service that is subject to taxation under this chapter and tangible

147 personal property, a product, or service that is not subject to taxation under this chapter, the

148 entire bundled transaction is subject to taxation under this chapter unless:

149 (I) the seller is able to identify by reasonable and verifiable standards the tangible

150 personal property, product, or service that is not subject to taxation under this chapter from the

151 books and records the seller keeps in the seller's regular course of business; or

152 (II) state or federal law provides otherwise; or

153 (B) if the sales price of a bundled transaction is attributable to two or more items of

154 tangible personal property, products, or services that are subject to taxation under this chapter

155 at different rates, the entire bundled transaction is subject to taxation under this chapter at the

156 higher tax rate unless:

(I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business; or

(II) state or federal law provides otherwise.

(iv) For purposes of Subsection (2)(d)(iii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

(e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental of tangible personal property, other property, a product, or a service that is not subject to taxation under this chapter, the entire transaction is subject to taxation under this chapter unless the seller, at the time of the transaction:

(A) separately states the portion of the transaction that is not subject to taxation under this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

(B) is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.

(ii) A purchaser and a seller may correct the taxability of a transaction if:

(A) after the transaction occurs, the purchaser and the seller discover that the portion of the transaction that is not subject to taxation under this chapter was not separately stated on an invoice, bill of sale, or similar document provided to the purchaser because of an error or ignorance of the law; and

(B) the seller is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.

(iii) For purposes of Subsections (2)(e)(i) and (ii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

(f) (i) If the sales price of a transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at

different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate unless the seller, at the time of the transaction:

(A) separately states the items subject to taxation under this chapter at each of the different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

(B) is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business.

(ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.

(g) Subject to Subsections (2)(h) and (i), a tax rate repeal or tax rate change for a tax rate imposed under the following shall take effect on the first day of a calendar quarter:

(i) Subsection (2)(a)(i)(A);

(ii) Subsection (2)(b)(i);

(iii) Subsection (2)(c)(i); or

(iv) Subsection (2)(d)(i)(A)(I).

(h) (i) A tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the tax rate increase if the billing period for the transaction begins before the effective date of a tax rate increase imposed under:

(A) Subsection (2)(a)(i)(A);

(B) Subsection (2)(b)(i);

(C) Subsection (2)(c)(i); or

(D) Subsection (2)(d)(i)(A)(I).

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:

(A) Subsection (2)(a)(i)(A);

(B) Subsection (2)(b)(i);

(C) Subsection (2)(c)(i); or

(D) Subsection (2)(d)(i)(A)(I).

(i) (i) For a tax rate described in Subsection (2)(i)(ii), if a tax due on a catalogue sale is

computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax rate takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

(ii) Subsection (2)(i)(i) applies to the tax rates described in the following:

(A) Subsection (2)(a)(i)(A);

(B) Subsection (2)(b)(i);

(C) Subsection (2)(c)(i); or

(D) Subsection (2)(d)(i)(A)(I).

(iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(3) (a) The following state taxes shall be deposited into the General Fund:

(i) the tax imposed by Subsection (2)(a)(i)(A);

(ii) the tax imposed by Subsection (2)(b)(i);

(iii) the tax imposed by Subsection (2)(c)(i); or

(iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

(b) The following local taxes shall be distributed to a county, city, or town as provided in this chapter:

(i) the tax imposed by Subsection (2)(a)(ii);

(ii) the tax imposed by Subsection (2)(b)(ii);

(iii) the tax imposed by Subsection (2)(c)(ii); and

(iv) the tax imposed by Subsection (2)(d)(i)(B).

(4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b) through (g):

(i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

(A) by a 1/16% tax rate on the transactions described in Subsection (1); and

(B) for the fiscal year; or

(ii) \$17,500,000.

(b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount described in Subsection (4)(a) shall be transferred each year as dedicated credits to the

250 Department of Natural Resources to:

251 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
252 protect sensitive plant and animal species; or

253 (B) award grants, up to the amount authorized by the Legislature in an appropriations
254 act, to political subdivisions of the state to implement the measures described in Subsections
255 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

256 (ii) Money transferred to the Department of Natural Resources under Subsection
257 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other
258 person to list or attempt to have listed a species as threatened or endangered under the
259 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

260 (iii) At the end of each fiscal year:

261 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
262 Conservation and Development Fund created in Section 73-10-24;

263 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
264 Program Subaccount created in Section 73-10c-5; and

265 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
266 Program Subaccount created in Section 73-10c-5.

267 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
268 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
269 created in Section 4-18-106.

270 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
271 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water
272 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of
273 water rights.

274 (ii) At the end of each fiscal year:

275 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
276 Conservation and Development Fund created in Section 73-10-24;

277 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
278 Program Subaccount created in Section 73-10c-5; and

279 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
280 Program Subaccount created in Section 73-10c-5.

(e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described in Subsection (4)(a) shall be deposited in the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

(ii) In addition to the uses allowed of the Water Resources Conservation and Development Fund under Section 73-10-24, the Water Resources Conservation and Development Fund may also be used to:

(A) conduct hydrologic and geotechnical investigations by the Division of Water Resources in a cooperative effort with other state, federal, or local entities, for the purpose of quantifying surface and ground water resources and describing the hydrologic systems of an area in sufficient detail so as to enable local and state resource managers to plan for and accommodate growth in water use without jeopardizing the resource;

(B) fund state required dam safety improvements; and

(C) protect the state's interest in interstate water compact allocations, including the hiring of technical and legal staff.

(f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in Subsection (4)(a) shall be deposited in the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

(g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in Subsection (4)(a) shall be deposited in the Drinking Water Loan Program Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:

(i) provide for the installation and repair of collection, treatment, storage, and distribution facilities for any public water system, as defined in Section 19-4-102;

(ii) develop underground sources of water, including springs and wells; and

(iii) develop surface water sources.

(5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2006, the difference between the following amounts shall be expended as provided in this Subsection (5), if that difference is greater than \$1:

(i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

(ii) \$17,500,000.

(b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

(A) transferred each fiscal year to the Department of Natural Resources as dedicated credits; and

(B) expended by the Department of Natural Resources for watershed rehabilitation or restoration.

(ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund created in Section 73-10-24.

(c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the remaining difference described in Subsection (5)(a) shall be:

(A) transferred each fiscal year to the Division of Water Resources as dedicated credits; and

(B) expended by the Division of Water Resources for cloud-seeding projects authorized by Title 73, Chapter 15, Modification of Weather.

(ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund created in Section 73-10-24.

(d) After making the transfers required by Subsections (5)(b) and (c), 94% of the remaining difference described in Subsection (5)(a) shall be deposited into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources for:

(i) preconstruction costs:

(A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River Development Act; and

(B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

(ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act;

(iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

(iv) other uses authorized under Sections 73-10-24, 73-10-25.1, 73-10-30, and Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

(e) After making the transfers required by Subsections (5)(b) and (c) and subject to Subsection (5)(f), 6% of the remaining difference described in Subsection (5)(a) shall be transferred each year as dedicated credits to the Division of Water Rights to cover the costs incurred for employing additional technical staff for the administration of water rights.

(f) At the end of each fiscal year, any unexpended dedicated credits described in Subsection (5)(e) over \$150,000 lapse to the Water Resources Conservation and Development Fund created in Section 73-10-24.

(6) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, ~~[2003]~~ 2016, and for taxes listed under Subsection (3)(a), the amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection (1) for the fiscal year shall be deposited in the ~~[Transportation Fund created by Section 72-2-102]~~ Water Infrastructure Restricted Account created in Section 73-10g-103.

(7) Notwithstanding Subsection (3)(a), beginning on July 1, 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005 created in Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to the revenues generated by a 1/64% tax rate on the taxable transactions under Subsection (1).

(8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in Subsection (7), and subject to Subsection (8)(b), for a fiscal year beginning on or after July 1, 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124:

(i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of the revenues collected from the following taxes, which represents a portion of the approximately 17% of sales and use tax revenues generated annually by the sales and use tax on vehicles and vehicle-related products:

(A) the tax imposed by Subsection (2)(a)(i)(A);

(B) the tax imposed by Subsection (2)(b)(i);

(C) the tax imposed by Subsection (2)(c)(i); and

(D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

(ii) an amount equal to 30% of the growth in the amount of revenues collected in the current fiscal year from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) that exceeds the amount collected from the sales and use taxes described in Subsections

(8)(a)(i)(A) through (D) in the 2010-11 fiscal year.

(b) (i) Subject to Subsections (8)(b)(ii) and (iii), in any fiscal year that the portion of the sales and use taxes deposited under Subsection (8)(a) represents an amount that is a total lower percentage of the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) generated in the current fiscal year than the total percentage of sales and use taxes deposited in the previous fiscal year, the Division of Finance shall deposit an amount under Subsection (8)(a) equal to the product of:

(A) the total percentage of sales and use taxes deposited under Subsection (8)(a) in the previous fiscal year; and

(B) the total sales and use tax revenue generated by the taxes described in Subsections (8)(a)(i)(A) through (D) in the current fiscal year.

(ii) In any fiscal year in which the portion of the sales and use taxes deposited under Subsection (8)(a) would exceed 17% of the revenues collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) in the current fiscal year, the Division of Finance shall deposit 17% of the revenues collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) for the current fiscal year under Subsection (8)(a).

(iii) In all subsequent fiscal years after a year in which 17% of the revenues collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) was deposited under Subsection (8)(a), the Division of Finance shall annually deposit 17% of the revenues collected from the sales and use taxes described in Subsections (8)(a)(i)(A) through (D) in the current fiscal year under Subsection (8)(a).

(9) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under Subsections (7) and (8), for a fiscal year beginning on or after July 1, 2012, the Division of Finance shall annually deposit \$90,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the Transportation Investment Fund of 2005 created by Section 72-2-124.

(10) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

(11) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (11)(b), and in addition to any amounts deposited under Subsections (7), (8), and (9), beginning on July

1, 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the amount of tax revenue generated by a .025% tax rate on the transactions described in Subsection (1).

(b) For purposes of Subsection (11)(a), the Division of Finance may not deposit into the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or charged for food and food ingredients, except for tax revenue generated by a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients described in Subsection (2)(d).

(12) (a) Notwithstanding Subsection (3)(a), and except as provided in Subsection (12)(b), beginning on January 1, 2009, the Division of Finance shall deposit into the Transportation Fund created by Section 72-2-102 the amount of tax revenue generated by a .025% tax rate on the transactions described in Subsection (1) to be expended to address chokepoints in construction management.

(b) For purposes of Subsection (12)(a), the Division of Finance may not deposit into the Transportation Fund any tax revenue generated by amounts paid or charged for food and food ingredients, except for tax revenue generated by a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients described in Subsection (2)(d).

(13) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal year during which the Division of Finance receives notice under Subsection 63N-2-510(3) that construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in Section 63N-2-512.

(14) Notwithstanding Subsections (4) through (13), an amount required to be expended or deposited in accordance with Subsections (4) through (13) may not include an amount the Division of Finance deposits in accordance with Section 59-12-103.2.

Section 2. Section **72-2-107** is amended to read:

72-2-107. Appropriation from Transportation Fund -- Deposit in class B and class C roads account.

(1) There is appropriated to the department from the Transportation Fund annually an

amount equal to 30% of an amount which the director of finance shall compute in the following manner: The total revenue deposited into the Transportation Fund during the fiscal year from state highway-user taxes and fees, minus:

(a) those amounts appropriated or transferred from the Transportation Fund during the same fiscal year to:

(i) the Department of Public Safety;

(ii) the State Tax Commission;

(iii) the Division of Finance;

(iv) the Utah Travel Council; and

(v) any other amounts appropriated or transferred for any other state agencies not a part of the department; and

(b) the amount of [~~sales and use tax~~] revenue deposited in the Transportation Fund in accordance with Section [~~59-12-103~~] 72-2-124.

(2) (a) Except as provided in Subsection (2)(b), all of this money shall be placed in an account to be known as the class B and class C roads account to be used as provided in this title.

(b) The director of finance shall annually transfer \$500,000 of the amount calculated under Subsection (1) to the department as dedicated credits for the State Park Access Highways Improvement Program created in Section 72-3-207.

(3) Each quarter of every year the director of finance shall make the necessary accounting entries to transfer the money appropriated under this section to the class B and class C roads account.

(4) The funds in the class B and class C roads account shall be expended under the direction of the department as the Legislature shall provide.

Section 3. Section **72-2-124** is amended to read:

72-2-124. Transportation Investment Fund of 2005.

(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.

(2) The fund consists of money generated from the following sources:

(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;

(b) appropriations made to the fund by the Legislature;

(c) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103; and

(d) registration fees designated under Section 41-1a-1201.

(3) (a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(4) (a) Except as provided in Subsection (4)(b), the executive director may use fund money only to pay:

(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);

(iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(f);

(iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

(v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;

(vi) all highway general obligation bonds that are intended to be paid from revenues in the Centennial Highway Fund created by Section 72-2-118; ~~and~~

(vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121[-]; and

(viii) for a fiscal year beginning on or after July 1, 2016, to transfer an amount equal to the amount of revenue deposited under Subsection 59-12-103(6) to the Transportation Fund created in Section 72-2-102.

(b) The executive director may use fund money to exchange for an equal or greater

amount of federal transportation funds to be used as provided in Subsection (4)(a).

(5) (a) Before bonds authorized by Section 63B-18-401 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) for the next fiscal year.

(b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.

(6) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 in the current fiscal year to the appropriate debt service or sinking fund.

(7) (a) The commission shall develop prior to June 30, 2015, a funding plan and identify a highway construction program using the prioritization process for new transportation capacity projects adopted under Section 72-1-304 that meets long-term transportation needs beyond the normal four year programming horizon.

(b) The commission shall report the plan and program established under Subsection (7)(a) to the Transportation Interim Committee of the Legislature by no later than September 30, 2015.

Section 4. Section **73-10g-103** is amended to read:

73-10g-103. Creation of the Water Infrastructure Restricted Account.

(1) (a) There is created a restricted account in the General Fund known as the "Water Infrastructure Restricted Account."

(b) The restricted account shall earn interest.

(2) The restricted account consists of money generated from the following sources:

(a) the sales and use tax revenue deposited into the fund in accordance with Section 59-12-103;

[(a)] (b) voluntary contributions made to the division for the construction, operation, or maintenance of state water projects;

[(b)] (c) appropriations made to the fund by the Legislature; and

[(c)] (d) interest earned on the restricted account.

(3) Subject to appropriation, the division and the board shall manage the restricted

529 account created in Subsection (1) in accordance with this chapter.

530 Section 5. **Effective date.**

531 This bill takes effect on July 1, 2016.